

Agricultural Marketing Service**7 CFR Part 946****[Docket No. FV-91-255]****Irish Potatoes Grown in Washington; Expenses and Assessment Rate****AGENCY:** Agricultural Marketing Service, USDA.**ACTION:** Final rule.

SUMMARY: This final rule authorizes expenditures and establishes an assessment rate under Marketing Order No. 946 for the 1991-92 fiscal period. Authorization of this budget will permit the State of Washington Potato Committee (committee) to incur expenses that are reasonable and necessary to administer the program. Funds to administer this program are derived from assessments on handlers. **EFFECTIVE DATES:** July 1, 1991, through June 30, 1992.

FOR FURTHER INFORMATION CONTACT: Caroline C. Thorpe, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2525-S, Washington, DC 20090-6456, telephone 202-447-2020.

SUPPLEMENTARY INFORMATION: This rule is effective under Marketing Agreement No. 113 and Order No. 946, both as amended (7 CFR part 946), regulating the handling of Irish potatoes grown in Washington. The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended [7 U.S.C. 601-674], hereinafter referred to as the Act.

This rule has been reviewed by the Department in accordance with Departmental Regulation 1512-1 and the criteria contained in Executive Order 12291 and has been determined to be a "non-major" rule.

Pursuant to the requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of this rule on small entities.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and the rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 45 handlers of Washington potatoes under this marketing order and approximately 385

producers. Small agricultural producers have been defined by the Small Business Administration [13 CFR 121.2] as those having annual receipts of less than \$500,000, and small agricultural service firms are defined as those whose annual receipts are less than \$3,500,000. The majority of Washington potato producers and handlers may be classified as small entities.

The budget of expenses for the 1991-92 fiscal year was prepared by the committee which is the agency responsible for local administration of the order, and submitted to the Secretary of Agriculture for approval. The members of the committee are producers and handlers of Washington potatoes. They are familiar with the committee's needs and with the costs of goods and services in their local area and are in a position to formulate an appropriate budget. The budget was formulated and discussed in a public meeting. Thus, all directly affected persons have had an opportunity to participate and provide input.

The assessment rate recommended by the committee was derived by dividing anticipated expenses by expected shipments of Washington potatoes. Because that rate is applied to actual shipments, it must be established at a rate that will provide sufficient income to pay the committee's expenses.

The committee met February 7, 1991, and unanimously recommended a budget for the 1991-92 fiscal year of \$35,000, the same as last year. The new budget includes a decrease of \$1,100 in compliance audits to be offset by increases in office supplies, postage, audit, salaries, and salary expenses. All other budget categories remain the same.

The committee also recommended an assessment rate of \$.005 per hundredweight (cwt.), which is \$.001 more than last year's rate. The increased assessment rate will yield \$30,000 in assessment income when applied to anticipated fresh market shipments of 6 million cwt., down from last year's shipments of just over 7 million cwt. Total assessment income, plus \$5,000 from the committee's authorized reserve, will be adequate to cover budgeted expenses of \$35,000. Estimated reserves at the beginning of the year will be \$15,000.

While this action imposes some additional costs on handlers, the costs are in the form of uniform assessments on all handlers. Some of the additional costs may be passed on the producers. However, these costs will be offset by the benefits derived by the operation of the order. Therefore, the Administrator of the AMS has determined that this

action will not have a significant economic impact on a substantial number of small entities.

A proposed rule was published in the *Federal Register* on March 14, 1991 [56 FR 10826]. That document contained a proposal to add § 946.244 to authorize expenses and establish an assessment rate for the committee. That rule provided that interested persons could file comments through April 15, 1991. No comments were received.

It is found that the specified expenses are reasonable and likely to be incurred and that such expenses and the specified assessment rate to cover such expenses will tend to effectuate the declared policy of the Act.

List of Subjects in 7 CFR Part 946

Marketing agreements, Potatoes, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 946 is hereby amended as follows:

PART 946—IRISH POTATOES GROWN IN WASHINGTON

1. The authority citation for 7 CFR part 946 continues to read as follows:

Authority: Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.

2. A new § 946.244 is added to read as follows:

Note: This section will not appear in the Code of Federal Regulations.

§ 946.244 Expenses and assessment rate.

Expenses of \$35,000 by the State of Washington Potato Committee are authorized, and an assessment rate of \$0.005 per hundredweight of assessable potatoes is established for the fiscal period ending June 30, 1992. Unexpended funds may be carried over as a reserve.

Dated: April 25, 1991.

William J. Doyle,

Associate Deputy Director, Fruit and Vegetable Division.

[FR Doc. 91-10157 Filed 4-29-91; 8:45 am]

BILLING CODE 3410-02-M

7 CFR Part 981**[FV-91-233FR]****Almonds Grown in California; Changes to the Administrative Rules and Regulations Concerning Transfers of Reserve Credits****AGENCY:** Agricultural Marketing Service, USDA.**ACTION:** Final rule.

SUMMARY: This final rule revises the administrative rules and regulations established under the Federal marketing order for California almonds to allow handlers to transfer reserve credits to other handlers before they have made reserve dispositions in excess of their own reserve obligations. This action is needed to facilitate the disposition of reserve almonds in years when volume regulations are in effect under the program. The action is based on a unanimous recommendation of the Almond Board of California (Board), which is responsible for local administration of the order, and other available information.

EFFECTIVE DATE: April 30, 1991.

FOR FURTHER INFORMATION CONTACT: Allen Belden, Marketing Order Administration Branch, F&V, AMS, USDA, room 2525-S, P.O. Box 96456, Washington, DC 20090-6456; telephone: (202) 475-3923.

SUPPLEMENTARY INFORMATION: This final rule is issued under marketing agreement and Order No. 981 [7 CFR part 981], both as amended, hereinafter referred to as the "order," regulating the handling of almonds grown in California. The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended [7 U.S.C. 601-674], hereinafter referred to as the Act.

This rule has been reviewed by the Department in accordance with U.S. Department of Agriculture (USDA) Regulation 1512-1 and the criteria contained in Executive Order 12291 and has been determined to be a "non-major" rule.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of this action on small entities.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 100 handlers of almonds who are subject to regulation under the marketing order and approximately 7,000 producers in the regulated area. Small agricultural producers have been defined by the Small Business Administration [13 CFR 121.1] as those having annual receipts of less than \$500,000, and small agricultural

service firms are defined as those whose annual receipts are less than \$3,500,000. The majority of handlers and producers of California almonds may be classified as small entities.

This final action allows handlers of California almonds to transfer reserve credits to other handlers before they have met their own reserve disposition obligations. This action relieves a restriction on handlers and is not expected to impose any additional burden or costs on handlers.

This action revises § 981.455 of Subpart—Administrative Rules and Regulations and is based on a unanimous recommendation of the Board and other available information.

The order contains provisions which allow the Secretary of Agriculture to establish salable and reserve percentages for a particular crop year. The crop year period designated under the order begins on each July 1 and ends on each June 30. When salable and reserve percentages are in effect, they apply to all marketable almonds received by handlers for their own accounts during a particular crop year. Handlers may dispose of salable almonds in any markets. Reserve almonds must be withheld from handling, disposed of by handlers in reserve outlets, or delivered to the Board for disposition in reserve outlets.

Section 981.55 of the order provides that any handler may, upon notice to and under the supervision and direction of the Board, transfer reserve credits to another handler. Handlers receive credits against their reserve obligations for disposing of almonds in reserve outlets or delivering almonds to the Board for disposition. Reserve outlets are specified in § 981.66(c) of the order, which states that no reserve almonds shall be sold in the United States, Puerto Rico, and the Canal Zone other than to governmental agencies or to charitable institutions for charitable purposes, except for diversion into almond oil, almond butter, poultry or animal feed, or into other channels which the Board finds are noncompetitive with existing normal markets for almonds, and with proper safeguards in each case to prevent such almonds thereafter entering the channels of trade in such normal markets.

Section 981.455(b) of the rules and regulations established under the order currently provides that if a handler has reserve disposition credit in excess of that handler's reserve obligation, all or part of the excess disposition may be credited to another handler. Section 981.50 of the order provides that a handler's reserve obligation for a particular crop year is equal to the

quantity of almonds having a kernelweight equal to the reserve percentage of the kernelweight of all almonds such handler receives for its own account during that crop year.

This action amends § 981.455(b) to allow handlers to transfer reserve credits before they have made reserve dispositions in excess of their reserve obligations. The Board believes that this change is needed because the current language of § 981.455(b) unduly restricts handlers who wish to transfer credit.

In many crop years when a reserve percentage is in effect under the order, a portion of the reserve is released back to the salable category during the crop year or shortly after the end of the crop year. In some crop years when the reserve is released to the salable category, it is released in more than one installment. Section 981.48 of the order provides that requests to the Secretary of Agriculture to increase the salable percentage must be filed prior to May 15. The Secretary of Agriculture must then go through rulemaking proceedings before issuing a final rule to release reserve almonds to the salable category. Thus, handlers may not know until near the end or after the end of a particular crop year what their ultimate reserve obligations for that crop year will be.

Handlers are generally unwilling to dispose of reserve almonds which may be released to the salable category at a later date. Thus, because many handlers do not make reserve dispositions in excess of their reserve obligations by disposing of their almonds in reserve outlets or delivering those almonds to the Board, they are unable to utilize the reserve credit transfer provisions as currently specified in § 981.455(b) of the rules and regulations established under the order.

This action allows handlers to transfer reserve credits before they have made reserve dispositions in excess of their reserve obligations. This change is expected to benefit the industry by encouraging handlers who have developed markets for reserve almonds to sell as large a quantity of almonds to those markets as possible and transfer credits to other handlers who may not have developed such markets. Thus, the change would improve marketing efficiencies and facilitate the disposition of reserve almonds. The change should also provide buyers of reserve almonds with a more stable and reliable supply.

Language is also added to § 981.455(b) indicating that the transfer of reserve credit will not relieve the transferring handler from that handler's reserve obligation for the applicable crop year. Handlers must at all times hold in their

possession or under their control a quantity of almonds necessary to meet their reserve obligations, less the quantity of almonds for which they have received reserve credits which have not been transferred to another handler and less any quantity for which they have otherwise been relieved by the Board of the responsibility to so hold.

Section 981.455(b) of the rules and regulations established under the order also currently provides that transferred reserve credit shall not exceed the quantity needed by the receiving handler to cover that handler's reserve obligation, that the Board shall complete the transfer of reserve credits upon receipt of an ABC Form 11 executed by both handlers, and that no transfer of reserve credits shall be made to satisfy a handler's inedible disposition obligation incurred pursuant to § 981.42(a) of the order. These provisions will continue to govern reserve credit transfers.

Notice of this action was published in the *Federal Register* on February 21, 1991 [56 FR 6998]. Written comments were invited through March 8, 1991. No comments were received.

Based on the above, the Administrator of the AMS has determined that this final rule will not have a significant economic impact on a substantial number of small entities.

The information collection requirements contained in this rule have been previously approved by the Office of Management and Budget (OMB) and assigned OMB control number 0581-0071.

After consideration of all relevant matter presented, the information and recommendations submitted by the Board, and other available information, it is found that this final rule will tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it is also found and determined that good cause exists for not postponing the effective date of this action until 30 days after publication in the *Federal Register* because: (1) Handlers are currently disposing of 1990-91 crop year reserve almonds and earning reserve credits; (2) some handlers have indicated that they would like to utilize this provision as soon as possible; (3) this action relieves a restriction on handlers; (4) handlers are aware of this action and need no additional time to comply; and (5) no useful purpose would be served by delaying the effective date of this action.

List of Subjects in 7 CFR Part 981

Almonds, Marketing agreements, Nuts, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 981 is amended as follows:

PART 981—ALMONDS GROWN IN CALIFORNIA

1. The authority citation for 7 CFR part 981 continues to read as follows:

Authority: Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.

2. Section 981.455 is amended by revising paragraph (b) to read as follows:

§ 981.455 Interhandler transfers.

(b) *Transfers of reserve credits.* A handler may transfer reserve credits to another handler after having filed with the Board, in accordance with § 981.474, a completed ABC Form 13/14 covering the almonds to be diverted to a noncompetitive outlet and all the documentation applicable thereto. Such a transfer does not relieve the transferring handler of any reserve obligations for the applicable crop year. The transferred credit shall not exceed the quantity needed by the receiving handler to cover that handler's reserve obligation. The Board shall complete the transfer upon receipt of an ABC Form 11 executed by both handlers. No transfer of reserve credits shall be made to satisfy a handler's inedible disposition obligation incurred pursuant to § 981.42(a).

Dated: April 25, 1991.

Robert C. Keeney,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 91-10156 Filed 4-29-91; 8:45 am]

BILLING CODE 3410-02-M

Animal and Plant Health Inspection Service

9 CFR Parts 94 and 95

[Docket 90-252]

Importation of Animal Products and Byproducts From Countries Where BSE Exists

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule with request for comments.

SUMMARY: We are amending our regulations by adding a list of countries where bovine spongiform encephalopathy (BSE) exists, and by prohibiting or restricting the importation of certain fresh, chilled, and frozen meat, and certain other animal products

and animal byproducts from ruminants which have been in a country in which BSE exists. This action is necessary to reduce the risk that BSE could be introduced into the United States. This change will affect persons seeking to import the articles described above.

DATES: Interim rule effective April 30, 1991. Consideration will be given only to comments received on or before July 1, 1991.

ADDRESSES: To help ensure that your written comments are considered, send an original and three copies to Chief, Regulatory Analysis and Development, PPD, APHIS, USDA, room 804, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Please state that your comments refer to Docket Number 90-252. Comments may be inspected at room 1141 of the South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Dr. John Gray, Senior Staff Veterinarian, Import-Export Products Staff, VS, APHIS, USDA, room 756, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-7885.

SUPPLEMENTARY INFORMATION:

Background

A neurological disease of bovine animals and deer called bovine spongiform encephalopathy (BSE) has been identified in France, Great Britain, Northern Ireland, the Republic of Ireland, Oman, and Switzerland. Since the disease was first identified in 1986 there have been over 23,300 cattle on over 10,400 farms in Great Britain that have died or been destroyed as a result of BSE infection. BSE has also been found to affect a small number of deer in Great Britain. At the present time, BSE is not known to exist in the United States.

At our present state of knowledge about the disease, it appears that BSE in bovine animals and deer may be caused by the same agent that causes the disease scrapie in sheep and goats. The major means of spread of BSE appears to be through the use of ruminant feed containing meat and other products from ruminants infected with BSE, and through use of veterinary biologic products which contain byproducts from ruminants infected with BSE.

This rule prohibits or restricts the importation of certain meat, products, and byproducts from ruminants which have been in countries in which BSE exists. Some ruminant feed used in the United States contains imported

ruminant meat, products, and byproducts. Further, some imported ruminant byproducts are used in veterinary biologic products in the United States. BSE could become established in the United States if materials carrying the BSE agent, such as certain meat, animal products, and animal byproducts from ruminants in countries in which BSE exists, are imported into the United States and are fed to or injected into ruminants in the United States. Therefore, the importation of these ruminant meat, products, and byproducts poses a risk of the introduction of BSE into the United States.

The Animal and Plant Health Inspection Service (APHIS) has determined that to prevent the introduction of BSE into the United States, the importation of fresh, frozen, and chilled meat, and edible products other than meat, from ruminants that have been in a country in which BSE exists must be prohibited unless the following conditions have been met: (1) All bones and visually identifiable lymphatic tissue and nerve tissue have been removed from the meat or edible product other than meat; (2) the meat or edible product other than meat is from ruminants that have not been in any country in which BSE exists during a period of time when the country permitted the use of ruminant protein in ruminant feed; and (3) the ruminants from which the meat or other edible products to be imported are derived were examined prior to slaughter by a salaried veterinarian employed by the national government of the country in which the ruminants were slaughtered, and found not to display any signs indicative of a neurological disorder.

These conditions are imposed on the importation of fresh, frozen, and chilled meat, and edible products other than meat, from ruminants that have been in a country in which BSE exists for the following reasons. First, the BSE agent concentrates in nerve and lymphatic tissue and bone marrow. Lymphatic and nerve tissue that is not visually identifiable does not constitute a significant risk of introducing BSE into the United States. Second, ruminants that have never been fed ruminant protein are extremely unlikely to develop BSE. Finally, ruminants that display signs of neurological disorder pose a high risk of being infected with BSE.

To ensure that a proper examination is made by persons able to detect signs indicative of a neurological disorder, ruminants from which the meat or other edible products to be imported are

derived must be examined prior to slaughter by a salaried veterinarian employed by the national government of the country in which the ruminants are slaughtered for any signs indicative of a neurological disorder.

Further, APHIS has determined that to prevent the introduction of BSE into the United States, the importation of bone meal, blood meal, meat meal or tankage, fat, glands, and offal from ruminants that have been in a country in which BSE exists must be prohibited. These products are commonly added to ruminant feed, and we wish to remove the possibility that these animal byproducts from ruminants that have been in a country in which BSE exists could be imported and added to ruminant feed in the United States.

Further still, APHIS has determined that to prevent the introduction of BSE into the United States, the importation of ruminant serum from ruminants that have been in a country in which BSE exists must be prohibited, except when imported under a permit for scientific, educational, or research purposes. Imported serum is occasionally used in veterinary biologic products in the United States, and ruminant serum from ruminants that have been in countries in which BSE exists potentially could infect animals susceptible to infection with BSE that are injected with products made from it.

The regulations in 9 CFR parts 94 and 95 (the regulations) govern the importation of animals, animal products, animal byproducts, hay, and straw into the United States in order to prevent the introduction of various animal diseases. The regulations currently prohibit or restrict the importation of ruminants and swine; fresh, chilled, and frozen meat of ruminants and swine; and other specified animal products and animal byproducts that originate in or are shipped from a country where certain animal diseases exist.¹ We are adding restrictions for certain meat, products, and byproducts of the types described above from ruminants that have been in countries in which BSE exists, and we are listing France, Great Britain, Northern Ireland, the Republic of Ireland, Oman, and Switzerland as countries in which BSE exists. We are also adding definitions of "Administrator," "Animal and Plant Health Inspection Service," and "United States" in part 95.

¹ Animal diseases addressed by Part 94 include, but are not limited to, rinderpest, foot-and-mouth disease, fowl pest, Newcastle disease, African swine fever, and hog cholera.

Emergency Action

James W. Glosser, Administrator of the Animal and Plant Health Inspection Service, has determined that there is good cause for publishing this rule without prior opportunity for public comment.

BSE is a serious animal disease that has caused great loss to the cattle industry of Great Britain, and the introduction of this disease into the United States would cause great harm to the United States cattle industry. The restrictions contained in this interim rule must be implemented immediately to reduce the risk that BSE could be introduced into the United States through importation of certain meat, products, and byproducts from ruminants that have been in countries in which BSE exists.

Since prior notice and other public procedures with respect to this interim rule are impracticable and contrary to the public interest under these conditions, there is good cause under 5 U.S.C. 553 for making it effective upon publication in the *Federal Register*. We will consider comments that are received within 60 days of publication of this interim rule in the *Federal Register*. After the comment period closes, we will publish another document in the *Federal Register*, including discussion of any comments we receive and any amendments we are making to the rule as a result of the comments.

Executive Order 12291 and Regulatory Flexibility Act

We are issuing this rule in conformance with Executive Order 12291, and we have determined that it is not a "major rule." Based on information compiled by the Department, we have determined that this rule will have an effect on the economy of less than \$100 million; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and will not cause a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

For this action, the Office of Management and Budget has waived the review process required by Executive Order 12291.

As an alternative to the provisions of this rule, we have considered taking no action, and enforcing the current import regulations. This alternative was

rejected because it would allow meat, animal products, and animal byproducts that might spread BSE to be imported into the United States.

The provisions of this rule will not have a significant economic impact on large or small entities. The only businesses affected will be a small number of importers of meat, products, and byproducts of ruminants which have been in a country in which BSE exists. Alternative sources for these products are available in the United States.

In recent years no fresh, chilled, or frozen beef has been imported from France, Great Britain, Northern Ireland, Oman, or Switzerland. A small amount of beef was imported from the Republic of Ireland in recent years; the value of these imports for the period 1987-88 was only \$1,300,000. Recently one plant in Northern Ireland has applied to export beef to the United States. If this plant is approved, it will bear additional deboning and preparation costs for meat exported to the United States, to ensure that the meat meets the requirements of this rule.

An exporter in Great Britain has recently expressed interest in exporting small amounts of meat from deer to the United States. The exporter would also have to bear additional deboning and preparation costs to ensure that the meat meets the requirements of this rule.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act

This interim rule contains no new information collection or recordkeeping requirements under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 9 CFR Part 94

African swine fever, Animal diseases, Exotic Newcastle disease, Foot-and-mouth disease, Fowl pest, Garbage, Hog cholera, Imports, Livestock and livestock products, Meat and meat products, Milk, Poultry and poultry products, rinderpest, and Swine vesicular disease.

List of Subjects in 9 CFR Part 95

Animal byproducts, Animal diseases, Imports, Livestock and livestock products.

Accordingly, the regulations in 9 CFR parts 94 and 95 are amended as follows:

PART 94—RINDERPEST, FOOT-AND-MOUTH DISEASE, FOWL PEST (FOWL PLAGUE), NEWCASTLE DISEASE (AVIAN PNEUMOENCEPHALITIS), AFRICAN SWINE FEVER, HOG CHOLERA, AND BOVINE SPONGIFORM ENCEPHALOPATHY: PROHIBITED AND RESTRICTED IMPORTATIONS

1. The authority citation for part 94 continues to read as follows:

Authority: 7 U.S.C. 147a, 150ee, 161, 162, 450; 19 U.S.C. 1306; 21 U.S.C. 111, 114a, 134a, 134b, 134c, and 134f; 31 U.S.C. 9701; 42 U.S.C. 4331, 4332; 7 CFR 2.17, 2.51, and 371.2(d).

2. A new § 94.18 is added to read as follows:

§ 94.18 Ruminant meat and edible products from ruminants that have been in countries where bovine spongiform encephalopathy exists.

(a) Bovine spongiform encephalopathy exists in the following countries: France, Great Britain, Northern Ireland, the Republic of Ireland, Oman, and Switzerland.

(b) The importation of fresh, frozen, and chilled meat, and edible products other than meat, from ruminants that have been in any country listed in paragraph (a) of this section is prohibited unless the following conditions have been met:

(1) All bones and visually identifiable lymphatic tissue and nerve tissue have been removed from the meat or edible product other than meat;

(2) The meat or edible product other than meat is from ruminants that have not been in any country listed in paragraph (a) of this section during a period of time when the country permitted the use of ruminant protein in ruminant feed; and

(3) The ruminants were examined prior to slaughter by a salaried veterinarian employed by the national government of the country in which the ruminants were slaughtered, and found not to display any signs indicative of a neurological disorder.

PART 95—SANITARY CONTROL OF ANIMAL BYPRODUCTS (EXCEPT CASINGS), AND HAY AND STRAW, OFFERED FOR ENTRY INTO THE UNITED STATES

3. The authority citation for part 95 is revised to read as follows:

Authority: 21 U.S.C. 111; 31 U.S.C. 9701; 7 CFR 2.17, 2.51, and 371.2(d).

§ 95.1 [Amended]

4. The paragraph designations in § 95.1 are removed, the definitions are placed in alphabetical order, and new definitions of "Administrator," "Animal

and Plant Health Inspection Service," and "United States" are added in alphabetical order to read as follows:

Administrator means the Administrator, Animal and Plant Health Inspection Service, or any individual authorized to act for the Administrator.

Animal and Plant Health Inspection Service means the Animal and Plant Health Inspection Service of the United States Department of Agriculture.

United States means the several States, the District of Columbia, Guam, the Northern Mariana Islands, Puerto Rico, the Virgin Islands of the United States, and all other territories and possessions of the United States.

5. A new § 95.4 is added to read as follows:

§ 95.4 Bone meal, blood meal, meat meal, offal, fat, glands, and serum from ruminants that have been in countries in which bovine spongiform encephalopathy exists.

The importation of bone meal, blood meal, meat meal or tankage, offal, fat, and glands from ruminants that have been in any country listed in § 94.18 of this chapter, is prohibited. The importation of serum from ruminants that have been in any country listed in § 94.18 of this chapter is prohibited, except that serum from ruminants may be imported for scientific, educational, or research purposes if the Administrator determines that the importation can be made under conditions that will prevent the introduction of bovine spongiform encephalopathy into the United States. Serum from ruminants imported in accordance with this section must be accompanied by a permit issued by the Animal and Plant Health Inspection Service in accordance with § 104.4 of this chapter, and must be moved and handled as specified on the permit.

Done in Washington, DC, this 24th day of April 1991.

James W. Glosser,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 91-10083 Filed 4-29-91; 8:45 am]
BILLING CODE 3410-34-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

14 CFR Part 1245

Patents and Other Intellectual Property Rights

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Final rule.